Docket No.: SONYJP 3.0-114
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: :
Kishitaka et al.   :
                                             :
Application No.: 09/558,787   : Group Art Unit: 2611
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Filed: April 26, 2000   : Examiner: H. B. Lonsberry
                                             :
For: BROADCAST RECEIVER, CONTROL   :
    METHOD THEREFOR, AND PROGRAM   :

Commissioner for Patents
P.O. Box 1450
Alexandria, VA   22313-1450

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SEP 2 7 2004

Technology Center 2600

REPLY

Dear Sir:

This communication is responsive to the Official Action mailed on July 8, 2004, rejecting all of the claims pending in the application, namely, claims 1, 4-7 and 10-23. Of the pending claims, claims 1, 7 and 13 are independent. All of the other pending claims depend from one of the independent claims.

The Examiner rejected claims 1, 4-7 and 10-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,892,508 to *Howe et al.* (the "*Howe*" reference) in view of U.S. Patent No. 5,978,855 to *Metz* (the "*Metz*" reference), U.S. Patent No. 5,684,791 to *Raychaudhuri et al.* (the "*Raychaudhuri*" reference), and U.S. Patent No. 6,212,632 to *Surine et al.* (the "*Surine*" reference). (Official Action at 2.)

In rejecting claims 1 and 7, the Examiner acknowledges that "Howe does not disclose determining an optimal buffer size that depends on a streams bitrate or having a buffer size

determined after a power on signal is issued, but does disclose the use of ATM and MPEG 2 for video transmission (column 9, lines 7-65)." (Official Action at 2.) The Examiner, however, asserts that *Metz*, *Raychaudhuri* and *Surine* make up for the deficiency in *Howe*. More particularly, the Examiner asserts that "Metz inherently includes a buffer, as a buffer is required to store the ATM cells prior to reassembling the cells into MPEG 2 streams" and "Raychaudhuri discloses a data link control layer in which buffer size is determined by the bit rate for the transmitted ATM stream (column 7, line 35-column 8, line 3)." (*Id.* at 3.)

The Examiner further acknowledges, however, that *Metz* and *Raychaudhuri* fail to disclose "a buffer sizing scheme in response to a power on signal." (*Id.*) The Examiner then asserts that *Surine* makes up for the deficiencies in *Metz* and *Raychaudhuri* because "Surine inherently detects a power up signal, as Surine discloses in Figure 8 and 9, that the boot code from the ROM is executed after power up steps 801 and 901." Accordingly, the Examiner concludes that it would have been obvious to modify the combination of *Howe*, *Metz* and *Raychaudhuri* "to load up a buffer program upon device startup as taught by Surine, thus enabling a device to receive and process data as soon as possible." (*Id.* at 4.)

Applicants respectfully traverse the Examiner's rejection of claims 1 and 7. To begin, the Examiner's rejection is not of the claimed combination. More particularly, the Examiner concludes that "it would have been obvious to one skilled in the art at the time of invention to modify the combination of Howe, Metz and Raychaudhuri to load up a buffer program upon device startup as taught by Surine." (*Id.*) However, claim 1 recites a processing unit which ". . . reserves, in said memory, a storage area having said optimal buffer size in response to a power-on signal in said

broadcast receiver." Claim 7 includes a similar limitation. However, "load[ing] up a buffer program upon device startup as taught by Surine" is not suggestive of a processor unit reserving "a storage area having said optimal buffer size in response to a power-on signal," as is recited in claim 1 or as is similarly recited in claim 7. Indeed, *Surine*'s teaching is not even remotely suggestive of the claimed limitation. Accordingly, the combination of *Howe, Metz, Raychaudhuri* and *Surine* does not result in the claimed combination of either claims 1 or 7.

In addition, the Examiner has provided no teaching or suggestion in any of the references that would lead one of ordinary skill in the art to combine the references as he has done. Furthermore, modifying *Howe, Metz,* and *Raychaudhuri* with the teachings of *Surine* does not even result in the claimed combination. In fact, the Examiner admits as much, since he concludes that modifying the references results in "load[ing] up a buffer program upon device start up." However, the result is not suggestive of the claimed limitation against which it is asserted.

Applicants also respectfully submit that the Examiner has committed clear error by not considering the claimed combination as a whole as is required. (*See* M.P.E.P. § 2141.02 at 2100-124 to 2100-125.) More particularly, the Examiner overlooks the fact that claim 1, for example, recites "a demultiplexer for separating transport packets from said received transport stream data using said reserved storage area." In addition, claim 1 recites that "a processing unit . . . reserves, in said memory, a storage area having said optimal buffer size in response to a power-on signal." Thus, the claimed combination requires that the demultiplexer use "said reserved storage area," which is reserved by the processor unit. Applicants respectfully submit that the references cannot

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be combined in any manner to yield this feature, for example, of the claimed combination, nor has the Examiner provided support for rejection of this particular feature of claim 1 or the claimed combination as a whole. Applicants further respectfully submit that the Examiner's rejection of claim 7 includes similar defects.

Inasmuch as the Examiner's rejection of claim 13 included the foregoing deficiencies discussed above, applicants also respectfully submit that the claimed combination of claim 13 is not obviated by the references cited by the Examiner. More particularly, even if "it would have been obvious to one skilled in the art at the time of the invention to modify the combination of Howe, Metz and Raychaudhuri to enable a reset signal to reinitialize settings and load up a buffer program upon device start up by Surine," the resulting combination is not what is recited in claim 13. Claim 13 recites "the program being executed by a control processor immediately in response to a power reset signal generated by the broadcast receiver the program comprising: determining an optimal buffer size in the memory in accordance with a bit rate of the received transport stream data; and reserving, in the memory, a storage area having the optimal buffer size." The references cited by the Examiner cannot be combined in any manner so as to result in the claimed combination of claim 13.

In view of the foregoing, applicants respectfully submit that claims 1, 7 and 13 are not obviated by the combination of *Howe*, *Metz*, *Raychaudhuri* and *Surine*. Furthermore, as all of the other claims in the application depend from either claim 1, 7 or 13, applicants also respectfully submit that these claims are not obviated for at least the foregoing reasons.
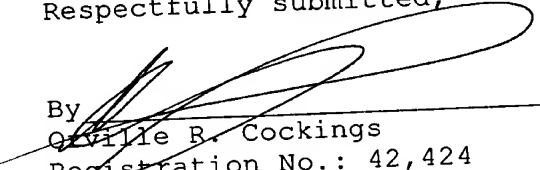
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable

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reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: September 21, 2004

Respectfully submitted,

By _____
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